



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

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August 10, 2012

Jesse Kharbanda
Executive Director
Hoosier Environmental Council
3951 N. Meridian Suite 100
Indianapolis, Indiana 46208

Dear Mr. Kharbanda

Re: ArcelorMittal Settlement Agreement


I am very disappointed with the representations that have been made by HEC relative to the referenced Settlement Agreement with ArcelorMittal. Based on quotes in the Indianapolis Star, information in your newsletter, and the YouTube Video, you have been very critical of my office's accomplishments relative to the site and, from my perspective, have misrepresented the work accomplished by my office.

Anyone reading the Settlement Agreement can clearly see that the only thing it adds to the requirements already placed on ArcelorMittal by IDEM's Agreed Order is a provision to do confirmation sampling under one of the multiple piles of waste that IDEM is requiring they address. IDEM's efforts to address the solid waste piles began in February of 2008, over 2 years prior to Save the Dunes appeal of the landfill permit. I found the quote in the Indianapolis Star from Ms. Ferraro indicating she feels like she is doing IDEM's job particularly disturbing and misleading to the public. Such a remark demeans the hard work my staff did to construct a case for, and negotiate the conditions of, the September 22, 2011 Agreed Order. The fact is, as noted in paragraph one of the settlement agreement: "The terms and conditions of the Agreed Order ... substantially address a number of the claims raised by Petitioner. . ." Further, as noted in paragraph two of the settlement agreement: "Pursuant to Sections II.2. and II.3. of the Agreed Order, AMBH is required to develop and implement a Material Management Plan . . . to manage solid wastes and materials at the site. . . "

I am also concerned with the over dramatization of the threats presented by the existence of the various waste piles on the ArcelorMittal property. Statements such as the title of your YouTube posting "HEC Wins Major Legal Victory, Preventing 3 Million Tons of Toxic Waste Entering Lake Michigan" implies the waste was about to be disposed of directly into Lake Michigan. A fact that we all know is not true. In addition, all of the information that has been gathered by IDEM indicates that none of the waste is hazardous.

There is certainly an important contribution that environmental groups can provide to discussions of environmental policy and even the need to address environmental concerns at specific facilities, but constructive conversation can only occur when there is an atmosphere of professionalism and trust. Trust is built on accurately portraying the facts. At IDEM, we feel a particular obligation to transparency in accurately providing factual information to the public. I am committed to continuing fostering that type of atmosphere within the Agency and I hope that HEC will take that atmosphere into consideration in their future public communications.

Sincerely,

A handwritten signature in black ink that reads "Bruce H. Palin". The signature is written in a cursive, slightly stylized font.

Bruce H Palin
Assistant Commissioner
Office of Land Quality